

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY RAPP and C.D.,

Plaintiffs,

vs.

Case No.:  
20-cv-9586 (LAK)

KEVIN SPACEY FOWLER a/k/a  
KEVIN SPACEY,

Defendant.  
-----x

Remote videotaped deposition of ANTHONY RAPP

February 3, 2021

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14:32 1 BY MR. SCOLNICK:

14:32 2 Q. So when did you first learn about  
14:32 3 C.D., C.D.?

14:32 4 A. C.D.

14:32 5 Q. C.D.

14:32 6 A. What's the question? I'm sorry.

14:32 7 Q. When did you first learn about him?

14:32 8 A. I learned about him at some  
14:32 9 point -- I don't know exactly when it was --  
14:32 10 either the end of 2019 or the beginning of 2020  
14:32 11 when Kevin -- I learned about his story, I read  
14:32 12 his story in 2017, but I didn't know his name.  
14:32 13 I didn't know who he was, but I read the story;  
14:32 14 and it was particularly powerful to read.

14:33 15 Up until that point, I hadn't heard  
14:33 16 any other story that was about a 14-year-old.  
14:33 17 So to hear that was quite remarkably upsetting  
14:33 18 and powerful. And, you know, part of --  
14:33 19 anyway, so that's when I first heard about him,  
14:33 20 his story. And then I first heard about him  
14:33 21 through Kevin Chamberlin, our mutual friend,  
14:33 22 who constantly reached out to me in the end of  
14:33 23 2019, 2020 and asked me -- said -- shared with  
14:33 24 me that C.D. was interested in talking with me  
14:33 25 and would I talk.

14:33 1 Q. And who is Kevin Chamberlin? Is  
14:33 2 he -- he's a good friend of yours?

14:33 3 A. Not a good friend. He's an  
14:33 4 acquaintance, an actor in New York that I've  
14:33 5 known for many years casually.

14:33 6 Q. I want to talk to you about that a  
14:33 7 little bit more, but maybe we can do that after  
14:33 8 a break. But just so we can put a bow on this,  
14:34 9 we've now talked about four people who have --  
14:34 10 you've communicated with about Mr. Fowler and  
14:34 11 alleged abuse. That would include Dreyfuss,  
14:34 12 Cavazos, Barker, and C.D.

14:34 13 So other than those four people,  
14:34 14 have you spoken with anyone who's told you --

14:34 15 MR. SAGHIR: And Chase, just for  
14:34 16 clarity, he also talked about Michael  
14:34 17 McElroy. He talked about the person in  
14:34 18 London, Dallas Roberts. He's talked about  
14:34 19 other people. I'm not sure why you're  
14:34 20 focusing on those four most recent.

14:34 21 MR. SCOLNICK: Well, okay. I'm  
14:34 22 talking about since the article came out,  
14:34 23 but --

14:34 24 MR. SAGHIR: Okay. Got it.

14:34 25 MR. SCOLNICK: Okay. Fair enough.

16:52 1 a waiter by grabbing his crotch?

16:53 2 A. Yes.

16:53 3 Q. Okay. Do you still maintain a  
16:53 4 relationship with the friend of a friend who  
16:53 5 did this?

16:53 6 A. No, he wasn't -- he wasn't a  
16:53 7 friend -- he wasn't a friend of mine. My  
16:53 8 friend was the waiter.

16:53 9 Q. Okay.

16:53 10 A. It was a friend of his. My friend  
16:53 11 Chad was the waiter. His friend brought  
16:53 12 someone to the restaurant. That person was the  
16:53 13 one who grabbed his crotch.

16:53 14 Q. We spoke earlier about Mr. C.D.  
16:53 15 You understand that he's the other  
16:53 16 plaintiff in this case?

16:53 17 A. Yes.

16:53 18 Q. You said that you first became  
16:54 19 aware of him not by name when the Vulture story  
16:54 20 broke?

16:54 21 A. Yes, and I -- my best recollection  
16:54 22 is this Vulture story was shared with me by  
16:54 23 Adam Vary, but that's my best recollection.

16:54 24 Q. When did Adam Vary share the  
16:54 25 Vulture story with you?

16:54 1 A. When it was published.

16:54 2 Q. Did you hear anything about the  
16:54 3 Vulture story before it was published?

16:54 4 A. Not that I recall.

16:54 5 Q. Were you aware of the allegations  
16:54 6 that appear in the Vulture story before that  
16:54 7 article was published?

16:54 8 A. Not at all.

16:54 9 Q. What did Mr. Vary tell you about  
16:54 10 the Vulture story after it was published?

16:54 11 A. I don't recall the exact words  
16:54 12 that -- he just shared with me, you might want  
16:54 13 to read this or some version of that. I don't  
16:54 14 remember the exact words, but I do have a  
16:54 15 record of his conversation.

16:54 16 Q. You testified earlier that a  
16:54 17 Mr. Chamberlin reached out to you?

16:54 18 A. Yes.

16:54 19 Q. And that was in 2019?

16:54 20 A. It's the end of 2019, beginning of  
16:55 21 2020, somewhere in there.

16:55 22 Q. What did Mr. Chamberlin say? And I  
16:55 23 mean, with respect to Mr. C.D.?

16:55 24 A. Again, I don't recall the exact  
16:55 25 language he used, but he asked me if I would be

16:55 1 interested in speaking with -- and I don't  
16:55 2 remember even if he said his name at the time,  
16:55 3 but his friend who had -- he was the one who  
16:55 4 had come forward, and he was asking to talk to  
16:55 5 me. And I replied yes, I would be happy to do  
16:55 6 so.

16:55 7 Q. Were these communications in  
16:55 8 writing?

16:55 9 A. With Kevin? Yes.

16:55 10 Q. Do you still have the  
16:55 11 communications?

16:55 12 A. Yes.

16:55 13 Q. And you agreed to meet with  
16:55 14 Mr. C.D.?

16:55 15 A. I mean, talk to. Not meet. Talk  
16:55 16 to.

16:55 17 Q. Where was he living at the time?  
16:55 18 Was he in New York City or in Pennsylvania?

16:55 19 A. He was -- I don't know when I  
16:55 20 learned this, but he was living in Pennsylvania  
16:55 21 when we talked. I don't know when I learned  
16:56 22 that detail.

16:56 23 Q. So tell me about the first  
16:56 24 conversation you had with him?

16:56 25 A. It was meaningful to connect with

16:56 1 him and share with him some of what we've both  
16:56 2 gone through, and he shared with me that he had  
16:56 3 come forward because I had come forward, that  
16:56 4 it encouraged him to do so.

16:56 5 And he had learned of the new law  
16:56 6 in New York State that had been passed of  
16:56 7 undoing the statute of limitations for a  
16:56 8 limited period of time for people who had been  
16:56 9 subjected to child sex crimes. And he was  
16:56 10 considering moving forward with an action about  
16:56 11 that.

16:56 12 Q. Did he tell you whether he had ever  
16:56 13 spoken with the police?

16:56 14 A. I don't recall that being a part of  
16:57 15 the conversation.

16:57 16 Q. So if I understand correctly, the  
16:57 17 very first conversation you had with Mr. C.D.  
16:57 18 he raised the prospect of filing a lawsuit  
16:57 19 against Mr. Fowler?

16:57 20 A. Yes. I'm sorry. Did you ask me if  
16:57 21 I raised it or he raised it?

16:57 22 Q. He raised it?

16:57 23 A. Yes, I believe. That's my best  
16:57 24 recollection of the nature of the conversation.

16:57 25 Q. Well, is it possible that you

16:57 1 raised the issue of filing a lawsuit for the  
16:57 2 first time with him?

16:57 3 A. No, it's not possible.

16:57 4 Q. Okay. So he was the one that  
16:57 5 raised that issue with you, right?

16:57 6 A. Yes, yes.

16:57 7 Q. And you remember that being during  
16:57 8 the first conversation?

16:57 9 A. Yes.

16:57 10 Q. What else do you remember him  
16:57 11 saying about the possibility of filing a  
16:57 12 lawsuit during that first conversation?

16:57 13 A. I don't recall any other details  
16:57 14 per se. He asked me would I be interested in  
16:57 15 speaking to his lawyer Peter who's now my  
16:57 16 lawyer.

16:57 17 Q. So at the time he spoke with you,  
16:57 18 he was already -- he already had an attorney --

16:57 19 A. Yes.

16:58 20 Q. -- who is Peter?

16:58 21 A. Yes.

16:58 22 Q. And did he tell you that he had an  
16:58 23 attorney, Peter Saghir -- I'm probably  
16:58 24 butchering the name -- but Peter Saghir during  
16:58 25 the first conversation you had with him?



16:58 1 A. Yes.

16:58 2 Q. And what did you tell him?

16:58 3 A. I'm sorry. What did I tell C.D.?

16:58 4 Q. So -- no. Sorry.

16:58 5 So C.D. told you -- C.D. brought up  
16:58 6 the issue of filing a lawsuit in the first  
16:58 7 conversation, and he told you about his lawyer,  
16:58 8 right?

16:58 9 A. Yes.

16:58 10 Q. And he asked you if you'd being  
16:58 11 willing to speak with his lawyer, right?

16:58 12 A. Yes.

16:58 13 Q. And how did you respond?

16:58 14 A. I said I'd be -- I'd be happy to  
16:58 15 speak to him and learn more.

16:58 16 Q. Learn more about potentially filing  
16:58 17 a lawsuit, right?

16:58 18 A. Yes, and what was going on and the  
16:58 19 nature of the law and et cetera. It was new  
16:58 20 information for me.

16:58 21 Q. So how did you -- how did you first  
16:59 22 communicate with, with Peter?

16:59 23 A. I don't recall if it was via  
16:59 24 writing him an email or calling him directly.  
16:59 25 I don't recall which was first.

16:59 1 Q. Did you reach out to him, or did he  
16:59 2 reach out to you?

16:59 3 A. I don't -- I'm sorry. I don't  
16:59 4 recall which direction it went.

16:59 5 Q. Do you remember how long after your  
16:59 6 conversation with, with C.D. you made contact  
16:59 7 with Peter?

16:59 8 A. Soon thereafter.

16:59 9 Q. Within a week?

16:59 10 A. I would -- I would think so. I  
16:59 11 don't know for certain, but that makes sense to  
16:59 12 me.

16:59 13 Q. And how long after your initial  
16:59 14 conversation with Mr. Saghir did you -- did you  
16:59 15 retain him as your attorney?

16:59 16 A. I don't recall the exact length of  
16:59 17 time. There was a -- you know, my first ever  
17:00 18 engaging this process, we had a meeting in  
17:00 19 person at some point during that process.  
17:00 20 There were other correspondences. I don't  
17:00 21 remember the exact number of correspondences or  
17:00 22 meetings, conversations we had.

17:00 23 Q. Is that the only communication  
17:00 24 you've ever had with C.D.?

17:00 25 A. There was -- there was one other

17:00 1 time a couple of months later to just check in,  
17:00 2 and that's the only other time that I've spoken  
17:00 3 with him.

17:00 4 Q. Did you understand in that initial  
17:00 5 call that C.D. was asking if you were  
17:00 6 interested in joining him in the lawsuit?

17:00 7 A. I don't recall the nature of the  
17:00 8 language around that. I just -- I don't recall  
17:00 9 the exact way it was described.

17:00 10 Q. Regardless of how it was described,  
17:00 11 he was referring you to his attorney Peter,  
17:00 12 right?

17:00 13 A. Yes.

17:00 14 Q. Okay. And you understood that at  
17:01 15 that point he was already contemplating filing  
17:01 16 a lawsuit against Mr. Spacey?

17:01 17 A. Yes.

17:01 18 Q. And you understood the reason that  
17:01 19 he was referring you to Peter was to see if you  
17:01 20 were also interested in following suit, right?

17:01 21 MR. SAGHIR: Objection. Objection.  
17:01 22 Objection. He hasn't said that.

17:01 23 MR. SCOLNICK: I asked the  
17:01 24 question.

17:01 25 THE WITNESS: I'm sorry. I don't

17:01 1 understand what's unclear.

17:01 2 BY MR. SCOLNICK:

17:01 3 Q. You understood the reason C.D. was  
17:01 4 referring you to Peter was to see if you were  
17:01 5 interested in filing a suit, right, filing a  
17:01 6 lawsuit?

17:01 7 MR. SAGHIR: Note my objection.

17:01 8 THE WITNESS: I understand that's  
17:01 9 part of what was being discussed.

17:01 10 BY MR. SCOLNICK:

17:01 11 Q. What else did you guys discuss, you  
17:02 12 and C.D.?

17:02 13 MR. SAGHIR: Objection. Who? Who?

17:02 14 MR. SCOLNICK: I said C.D.

17:02 15 THE WITNESS: As I said, he -- we  
17:02 16 expressed -- what he expressed about  
17:02 17 having heard my story and sharing my  
17:02 18 story. We expressed sharing in that  
17:02 19 experience of coming forward to some  
17:02 20 degree.

17:02 21 BY MR. SCOLNICK:

17:02 22 Q. Did C.D. say he believed his case  
17:02 23 would be stronger if you would join?

17:02 24 A. I don't recall that being said.

17:02 25 Q. Has he ever told you that?

17:02 1 A. Not that I recall, no.

17:02 2 Q. Do you believe that your case would  
17:02 3 be stronger -- well, let's -- if C.D. joined --  
17:02 4 strike that.

17:02 5 Do you believe the fact that C.D.  
17:02 6 has joined your case makes it stronger?

17:02 7 MR. SAGHIR: Objection.

17:02 8 THE WITNESS: I don't know how to  
17:02 9 answer that. I am responding to the law  
17:02 10 changing and that there's some opportunity  
17:02 11 for accountability in a criminal act. And  
17:03 12 I'm participating in this to that end.

17:03 13 BY MR. SCOLNICK:

17:03 14 Q. You're also seeking money, right?

17:03 15 A. That is part of the process.

17:03 16 Q. Well, part of the process includes  
17:03 17 calculations that have been submitted relating  
17:03 18 to the damages that you claimed.

17:03 19 Do you understand that?

17:03 20 A. I understand that because it's been  
17:03 21 explained to me.

17:03 22 Q. Did you ever consider filing this  
17:03 23 lawsuit alone and not with C.D.?

17:03 24 A. No. I was not aware of the law  
17:03 25 change. I was made aware of the law change in

17:03 1 this case, in this moment when made contact.

17:03 2 Q. I want to try to put a date on your  
17:04 3 communication with C.D., that first  
17:04 4 conversation.

17:04 5 When do you think that was?

17:04 6 A. It was sometime in early 2020.

17:04 7 Q. Okay. After speaking with C.D.,  
17:04 8 did you ever consider filing your own lawsuit  
17:04 9 separate and apart from his?

17:04 10 A. No, I didn't consider that.

17:04 11 Q. Other than the two communications  
17:04 12 that you discussed with C.D., have you spoken  
17:04 13 with him since?

17:04 14 A. No.

17:04 15 Q. Have you communicated with him  
17:04 16 since?

17:04 17 A. Not that I recall in any way. I  
17:05 18 had those two conversations. That's it.

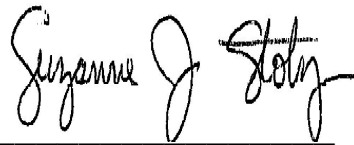
17:05 19 Q. Have you communicated with him in  
17:05 20 writing at any point?

17:05 21 A. We had the text messages making  
17:05 22 arrangements to speak, and I have a record of  
17:05 23 that.

17:05 24 Q. When did you decide that you wanted  
17:05 25 to file a lawsuit?

C E R T I F I C A T E

I, SUZANNE J. STOTZ, a  
Registered Professional Reporter, Certified  
Realtime Reporter, and Notary Public in and for  
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SUZANNE J. STOTZ, RPR, CRR

My Commission Expires March 2, 2022

DATED: February 19, 2021

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19 WITNESS SIGNATURE

DATE

20

21 Sworn and subscribed to before me this

22 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

23

24 Notary Public of the

25 State of \_\_\_\_\_.